

REMARKS

This is in response to the Office Action dated December 21, 2006.

I. SUMMARY OF OFFICE ACTION

In the Office Action, the Examiner has rejected claims 30, 31, and 34 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 30 recites the limitation “the associated communication protocols(s)”; however, there is insufficient antecedent basis for this limitation in the claim. Claim 34 recites the limitation “the vehicles on-board diagnostic system”; however, there is also insufficient antecedent basis for this limitation in the claim.

Claims 24, 25-29, 32-33, and 35-36 are rejected under 35 U.S.C. §102(b) as being fully anticipated by U.S. Patent No. 5,491,418 to Alfaro et al.

Claims 24-36 are rejected under 35 U.S.C. § 102(a) as being fully anticipated by the admitted prior art.

Claims 30, 31, and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Alfaro et al., in view of EPA420-R-00-017 by Mitcham et al.

II. APPLICANT'S RESPONSE

In response to the objections, Applicant has amended the claims to remedy the ambiguities addressed by the Examiner. In view of the amendments, reconsideration of the objections is respectfully requested.

Applicant has also amended the claims in response to the rejections under 35 U.S.C. § 112, to provide appropriate antecedent basis. In view of the amendments, reconsideration of the rejection under 35 U.S.C. § 112 is respectfully requested.

Applicant has further amended Claims 24 and 32 to specify that the connector physical features are unrelated to vehicle information other than identification of the at least one communication protocol. As such, Applicant has provided specificity in the claims to

distinguish the cited art. As previously noted, the adaptor used in the Alfaro reference is a vehicle specific connection adaptor (column 1, lines 58-61). As understood, the flow of operations implemented under the Alfaro disclosure attempts to identify the vehicle under test for deriving appropriate configuration data (column 8, lines 8-10; column 8, lines 26-34). As is made further clear by the present amendment, the method and device disclosed in Applicant's invention does not identify vehicle information other than the communication protocol(s). As such, the prior art would be expected to incorporate a much greater number of adaptors, with each adaptor being a vehicle specific adaptor or the like. Given the greater number of adaptors necessary in the prior art, the associated memory requirements would also be greater. Applicant's invention avoids the need for such vehicle specific connectors, and the additional memory necessary to support vehicle specific adaptors.

In view of the foregoing Applicants claimed invention is believed to be distinguishable over the cited art, and recites an instruction that is advantageously more simple and efficient to use.

Reconsideration of the rejection of the claims is therefore respectfully requested.

With respect to prior art disclosed in the background of Applicant's specification, Applicant submits that the discussion does not suggest protocol specific adaptors for identifying the appropriate communication protocol, without identification of vehicle specific information. Applicant further notes that the body of the independent claims, also specifies the hand held diagnostic device which is configurable independent of external resources.

Should the Examiner have any suggestions for expediting allowance of the claims he is invited to contact Applicant's representative at the telephone number listed below.

In view of the foregoing, the application is believed to be in a condition for allowance. Should any outstanding matters remain the Examining Attorney is invited to contact Applicant's representative at the telephone number below.

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Response to Office Action of: 12/21/06
Attorney Docket: EQUUS-106A

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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